

SB 661 (Lieu)

FUNERAL PRIVACY PROTECTION ACT

Fact Sheet

SUMMARY

SB 661 creates constitutionally-sanctioned place and manner limits on protests of funerals. This law will protect grieving families from disruptive protests, while carefully balancing the constitutionally-protected right of free expression.

BACKGROUND

Over 40 states and the federal government place reasonable restrictions on funeral protests and picketing. Meanwhile, California is one of the handful of states that lacks this same protection for grieving families.

Starting in 1998, the Westboro Baptist Church started picketing funerals. Initially, this picketing targeted funerals of individuals that the Church believed to be homosexual, but the Church quickly branched out to picket other individual's funerals. Starting in 2005, the Church started protesting at the funerals of fallen military soldiers of the Iraq War.

In 2006, the Westboro Baptist Church picketed the funeral of U.S. Marine Lance Corporal Mathew Snyder, who died in Iraq. The picketing was made up of hateful slogans, including anti-Catholic and homophobic sentiments. Lance Corporal Snyder's father, Albert Snyder, responded to the Church by lodging a civil suit against the Westboro Baptist Church and its founding family to seek damages.

In March of last year, the U.S. Supreme Court ruled with the Westboro Baptist Church in

Snyder v. Phelps and denied tort damages, noting that the protests "had the right to be where they were" because they were more than 1,000 feet away from the funeral, on public land, and was not unruly or loud.

However, the U.S. Supreme Court ruled in *Snyder v. Phelps* also reemphasized the government's ability to restrict speech by time, place, and manner. The Supreme Court had the opportunity to strike down other funeral protest buffer zones but choose against striking down these laws.

THIS BILL

SB 661 creates a reasonable limitation on speech to protect grieving families from disruptive protests while carefully balancing the constitutionally protected right of free speech.

SB 661 establishes a misdemeanor crime for anyone to protest within 300 feet of a funeral beginning one hour prior to the funeral and ending one hour after the conclusion. This bill is based upon the U.S. Supreme Court's decision and seeks to establish a time, place and manner restriction in California law.

SUPPORT

American Legion (Co-Sponsor)
AMVETS (Co-Sponsor)
Vietnam Veterans of America (Co-Sponsor)
AFSCME, AFL-CIO
Association of Orange County Deputy Sheriffs
California Association of County Veterans
Services Officers

SUPPORT (continued...)

California Fraternal Order of Police
California Funeral Directors Association
California Peace Officers' Association
California State Commanders Veterans Council
Crime Victims Action Alliance
Long Beach Police Officers Association
Los Angeles County Professional Peace
Officers Association
Military Officers Association of America
PORAC
Sacramento County Deputy Sheriffs Association
Santa Ana Police Officers Association
VFW
Vietnam Veterans of America

OPPOSITION

California Attorneys for Criminal Justice
American Civil Liberties Union

STAFF

Policy: Cliff Costa, Legislative Director
(916) 651-4028 or Cliff.Costa@sen.ca.gov

Press: Ray Sotero, Communications Director,
(916) 651-4028 or (916) 834-1128 cell or
Ray.Sotero@sen.ca.gov